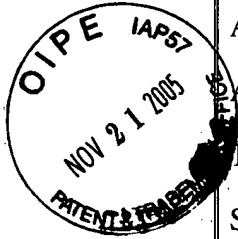


11-23-05

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Applicant(s): Dan Sanchez; Edward R. Snow; Ken Grace
Assignee: Intuitive Surgical, Inc.
Title: HEART STABILIZER SUPPORT ARM
Serial No.: 09/675,824 U.S. Patent No.: 6,860,877
Filing Date: September 29, 2000 Issue Date: March 1, 2005
Examiner: William C. Doerrler Docket No.: 022001-001500US

Sunnyvale, California
November 10, 2005

Mail Stop Petition
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO CORRECT ERROR IN CLAIMING SMALL ENTITY STATUS

Dear Sir:

Pursuant to 37 CFR 1.28(c), the assignee of the above-identified patent hereby petitions to correct an error in claiming small entity status. On December 5, 2003, the applicant submitted a petition to revive an application unintentionally abandoned for failure to pay the issue fee, the issue fee of \$665, and a request for continued examination. Small-entity status was asserted for these submissions. The petition was subsequently granted, and the application issued as U.S. Patent No. 6,860,877. Later, it was discovered that, as of March 7, 2003, the applicant was no longer entitled to small entity status. The assignee hereby states that status as a small entity was established in good faith, all fees as a small entity were paid in good faith, and that any error in paying the fees as a small entity was unintentional.

The assignee also notes that according to the assignee's records, the Patent Office did not charge fees for claims in excess of twenty claims for the twenty-three claims filed on

August 24, 2004. The fee transmittal paper filed with those claims explicitly authorized the Director to charge any additional fees or underpayment of fees to the applicant's deposit account. As itemized below, the assignee hereby authorizes the Director to charge the assignee's deposit account for the additional claims.

Pursuant to 37 CFR 1.28(c)(2)(ii), the deficiency owed is itemized as follows:

1) Petition to revive unintentionally abandoned application

Current non-small entity fee for petition to revive unintentionally abandoned application: \$1,500

Small entity fee actually paid on Dec. 5, 2003: \$665

Deficiency owed: \$835

2) Issue fee

Current non-small entity issue fee: \$1,400

Small entity fee actually paid on Dec. 5, 2003: \$665

Deficiency owed: \$735

3) Request for continued examination

Current non-small entity fee for request for continued examination: \$790

Small entity fee actually paid on Dec. 5, 2003: \$385

Deficiency owed: \$405

4) Fees for claims in excess of 20

Extra claims in excess of twenty filed on August 24, 2004: 3

Current non-small entity fee per extra claim in excess of twenty: \$50

Fee charged to applicant's deposit account: \$0

Deficiency owed: \$150

Total deficiency payment owed: \$2,125

The assignee hereby authorizes the US Patent and Trademark Office to charge \$2,125,
as well as any additional fees due, to the assignee's Deposit Account #503-404.

EXPRESS MAIL NO.

Respectfully submitted,



Frank Nguyen
Vice President and General Counsel
Intuitive Surgical, Inc.
Reg. No. 39,790

CERTIFICATE OF MAILING UNDER 37 CFR 1.10

I HEREBY CERTIFY THAT THIS CORRESPONDENCE – PETITION TO
CORRECT ERROR IN CLAIMING SMALL ENTITY STATUS IS BEING
DEPOSITED WITH THE UNITED STATES POSTAL SERVICE WITH
SUFFICIENT POSTAGE AS EXPRESS MAIL UNDER:
EXPRESS MAIL LABEL **EV701221798US**

WITH AN ENVELOPE ADDRESSED TO:

COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313 – 1450

ON 11/21/2005



Signature

Anne Wilcock

